

Disability Policy



Are you a People Leader looking for guidance on discussing disability and long-term health conditions?

Introduction

At Westminster City Council we believe that the organisation and our service users benefit from a diverse workforce which is representative of the community we serve. Diversity and inclusion are part of our key values. We want to ensure that knowledgeable, skilled, and talented staff are not excluded or disadvantaged due to disabilities. This policy is aimed at ensuring all staff feel included, supported, and treated with dignity and respect; in line with the key pillar of our Westminster Way of Working: Everyone is Valued.

What is a disability?

For the purposes of [the Equality Act \(2010\)](#), the term 'disability' covers both physical and mental impairments that have a substantial and long-term effect on the person's ability to carry out normal day-to-day activities. A long-term effect is one which has lasted, or is expected to last, at least 12 months.

People with conditions such as insulin-dependent diabetes, epilepsy, depression, or chronic pain can be covered under the definition of disability, even if their medication helps manage their symptoms to the point they may not appear to be disabled.

Some conditions such as HIV, multiple sclerosis (MS), and cancer are classed as disabilities from the date of diagnosis.

People who have had a disability in the past, which had a substantial adverse effect on their normal day-to-day activities for a period of at least 12 months (such as depression from which they may be in recovery) are also protected by the Equality Act.

[Further information about the definition of a disability can be found on the UK Government website here.](#)

Reasonable adjustments

If someone has a disability, then WCC has a duty to make reasonable adjustments. This includes employees but also applicants for roles, visitors, Councillors and of course service users amongst others. This policy concentrates on employees and applicants.

Please refer to the Council's [Reasonable Adjustments Guidance](#).

Disability Discrimination

The law sets out wide ranging ways in which people may discriminate both intentionally and unintentionally. The [Equality Act 2010](#) provides protection against unlawful discrimination, harassment and victimisation for the protected characteristic of 'disability'.

This includes:

- Direct discrimination - when someone is treated differently and disadvantaged because of a disability for instance they are not employed because they are disabled. Discrimination can be based on a person's disability, due to a perceived disability whether it exists or not or as a result of someone's association with a person with a disability.
- Indirect discrimination- when you apply something equally to all employees, but this disadvantages a person with a disability, for instance if you require everyone to use hardcopy material including someone who may have a vision impairment.
- Discrimination arising from disability for example if someone is in severe pain due to treatment/medication and uncharacteristically loses their temper then it is important that this is considered. It may not be appropriate to move to a disciplinary process in these circumstances even if that is what would normally happen.
- Harassment occurs where unwanted conduct related to disability violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.
- Victimisation in this context refers to treating someone unfairly because they have made or supported a complaint about disability discrimination.

The most common type of discrimination is a failure to make reasonable adjustments, or not making them in a timely manner.

If an employee does not feel appropriate reasonable adjustments have been made, they can use the [discrimination, bullying and harassment](#), and the [grievance policy](#).

Language

- Do not describe people by their impairments, e.g. "an epileptic" or "a diabetic".

- Do not use collective nouns such as "the disabled" or "the blind". However, "disabled people" or "people with disabilities" are generally acceptable.
- People without a disability should be described as "non-disabled" rather than "able-bodied". Many disabilities do not affect the body – so someone can be perfectly "able-bodied" but still be disabled.
- Try to mirror the language the person themselves use.
- Avoid terms like 'suffering from' when referring to a disability.
- A note on autism: "autistic people" is preferred by a majority of autistic people, instead of "people with autism". This is because autism is an inherent characteristic. We follow [guidance from the National Autistic Society on language regarding autism](#).

The Westminster Way

As well as making reasonable adjustments, we support our people working as agilely as their roles allow. In order to ensure that the council is doing all it can to recognise this and support staff in this area, this policy highlights the expectations that we have of both people leaders and employees.

People Leader Responsibilities

- **Become acquainted with the [Disability Factsheet](#)** for guidance on how to have conversations about disability and long term conditions.
- **Think about disability:** you are not expected to know if someone has a disability if they choose not to disclose this. However, you should recognise that many people do not see themselves as having a disability or may be reluctant to disclose this. You should also bear in mind that waiting times for formal diagnoses can be considerable and self-identification can be valid. (For example, at time of writing, the average wait time for an autism diagnosis is 2 years nationally). Therefore, think carefully about what someone is saying, for instance if they say that they have had very bad back pain for a long time, or it is unlikely to go away then you should consider whether support and some reasonable adjustments are required.
- **Take conversations about disability/health seriously:** any conversations about health are important and you should make time to actively listen and offer appropriate support.
- **Make reasonable adjustments:** remember the easiest way to discriminate is failing to make reasonable adjustments, or not making them in a timely manner. If an employee requests a reasonable adjustment, ensure you acknowledge the request within 10 working days or as soon as possible, advising how and when the request will be progressed. Adjustments are a means to support an employee and ensure that they can work effectively. This benefits the employee, you and the council. Reasonable adjustments should be regularly reviewed. Please see our reasonable adjustments guidance.
- **Take reasonable steps to prevent discrimination:** there are many types of discrimination (see above). You are expected to challenge discrimination and ensure it stops if you become aware of it.
- **Seek specialist advice:** remember a person with a disability is always the expert on what may or may not work for them. Additionally, the person with a disability may have fluctuating symptoms and/or issues. Some issues can be caused or exacerbated by environmental factors, but suitable adaptations and the right equipment can often go a long way towards

solving this. Following on from these conversations both of you may benefit from more specialist advice which may include a referral to [Occupational Health](#), talking to a specialist about IT software (details below) or seeking some specialist advice from outside the organisation such as [Access to Work](#) or a Specialist Workplace Needs Assessment provider.

Employee Responsibilities

- **Help us to help you:** do not be afraid to have an open and frank conversation with your people leader. Please tell them about your condition, adjustments that may have worked for you in the past and what you feel may work now. You know better than anyone what works for you and what does not. This may feel difficult, but Westminster City Council is committed to creating safe spaces to do this.
- You are also encouraged to add that you have a disability on IBC's Employee Self Service, using the 'My Information' app. Please be assured that your information will be kept confidential. By doing this, you are playing a vital role in informing our knowledge of the workforce, so we can continuously improve our employee experience. This gives us the ability to monitor the impact of initiatives and enables us to act if we feel there is some disadvantage, for example looking at the disability pay gap. Westminster City Council wants to trailblaze excellence and go beyond statutory duties only, as an exemplar of best practice.
- **Participate in specialist assessments:** This may include [Occupational Health](#) (please remember your people leader is able to refer you), liaising with the IT Assistive Technology team or a specialist workplace needs assessment amongst other things.
- **Courage to challenge:** if you are unable to speak with your people leader about this, because they are not fulfilling the council's expectations of them (as above); then please do speak up. You can reach out to another people leader in your team, the [ABLE network](#), to your local [Wellbeing Pioneer](#) or the [Employee Relations Team](#) and [Trade Unions](#).

Sources of information and support

[Access to Work](#)

The Access to Work programme is a scheme run by the Government that provides assessments and can provide grant funding towards any extra costs incurred with supporting someone with a disability at work.

[Workplace Mental Health Support Service \(WMHSS\)](#)

Free and confidential Workplace Mental Health Support Service, available to anyone with a mental health condition who is absent from work or finding work difficult. It is aimed at helping people to remain in, or return to, their role. This service is delivered in partnership with Access to Work.

[The Business Disability Forum](#)

Westminster City Council is a member of the Business Disability Forum, which offers free and confidential advice, and excellent online resources for people leaders.

Telephone: 020 7403 3020

Textphone: 020 7403 0040

Email: enquiries@businessdisabilityforum.org.uk

The Wire

The equalities and wellbeing pages on The Wire are there to signpost staff to broader support available and provide people leaders with helpful guidance (including videos and factsheets).

[Diversity and Inclusion Hub](#)

[Health and Wellbeing Hub](#)

Information on Assistive Technology can be found within the [IT Accessibility Hub](#).

People leaders can contact our [Corporate Health and Safety team](#) for a Display Screen Equipment assessment, in line with the [Display Screen Equipment and Agile Working Policy](#). If further workstation assessments are needed, these can be organised through [Health and Safety](#) or by way of a Workplace Needs Assessment.

Employee Assistance Programme

We offer our staff a free and independent resource, which can give information, resources, or counselling to staff who need advice or guidance. This is our Employee Assistance Programme, provided by Health Assured.

Freephone: 0800 030 5182

Website: <https://healthassuredeap.co.uk/>

Username: **Westminster**

Password: **Council**

ABLE Network

[The ABLE Network](#) is here to support disabled employees and advise managers.

The ABLE Network vision is for Westminster City Council to be an organisation that:

- is united and inclusive
- is enriched by all our differences
- realises the full potential of people with disabilities

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